

REMARKS

Initially, the undersigned would like to thank the examiner for the courtesies extended during the in-person interview of September 2, 2010, during which the above amendment to claim 7 and the following remarks were discussed. The present submission should be considered the substance of the interview.

An Information Disclosure Citation was submitted on July 28, 2006 (2 sheets). However, an initialed copy of these sheets was not sent along with the outstanding office action. The applicants respectfully request the examiner to return an initialed copy of the Information Disclosure Citation submitted on July 28, 2006.

Claims 1-8 are currently pending. New claims 9-12 are presented for examination. Reconsideration of the present application is respectfully requested.

Claim 7 was rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Particularly, the Examiner has asserted that the claim merely recites a program. The applicants have amended claim 7 to be directed to a non-transitory computer readable medium. Therefore, because claim 7, as amended, recites statutory subject matter, the rejection of claim 7 under 35 U.S.C. 101 should be withdrawn.

Claims 1-4 and 6-8 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication No. 2004/0128402 to Weaver *et al.* (hereafter: "Weaver"). This rejection is respectfully traversed.

As discussed in the background, in a recording medium including a first audio stream conforming to an encoding method for surround audio reproduction (basic data and extended data), and a second audio stream conforming to another encoding method for which decoding of

only the basic data in the audio stream is available, the management table for the recording medium often assigns higher priority to the second stream. Accordingly, a conventional reproduction apparatus may select the second audio stream even if it has the capability to reproduce the surround audio.

Claim 1 recites novel features associated with a reproduction apparatus as described, for example, on pgs. 60-62, which includes *inter alia*: a selecting unit operable for judging if predetermined conditions are satisfied by each of a plurality of audio streams, and selecting an audio stream to be reproduced based upon the judgment, wherein one of the plurality of predetermined conditions is that a channel attribute of an audio stream is surround and a surround output is available, and the selecting unit judges whether or not the predetermined condition is satisfied by detecting whether or not a channel attribute of the extended data is surround and the extended data is capable to be processed.

Accordingly, a reproduction apparatus can select an audio stream for surround output even if the management table of the recording medium includes description of an audio stream which conforms to an encoding method for which decoding of only the basic data for the backward compatibility is available.

Weaver, on the other hand, describes transmitting and receiving information regarding available output modes (TRAN command) between an undefined device and a connected multimedia device and storing the information in a feature registry so that the optimal modes for operation can be selected.

Although Weaver, at best, describes making a judgment regarding the output modes of the undefined device and the connected multimedia device, Weaver fails to disclose judging if predetermined conditions are satisfied by each of a plurality of *audio streams*. Further, Weaver

fails to describe selecting an *audio stream* to be reproduced among the plurality of audio streams, in accordance with each combination of predetermined conditions satisfied by each audio stream as called for in claim 1.

It was also asserted in the office action that table 1 of Weaver describes the selecting unit judging whether or not the predetermined condition is satisfied by detecting whether or not a channel attribute of the extended data is surround and the extended data is capable to be processed. However, table 1 of Weaver merely shows an exemplary hierarchical list ranking specific combinations of audio and video modes by score for determining the optimal combination. Although the table includes surround, Weaver does not describe judging conditions associated with *the audio stream* as discussed above.

Accordingly, the rejection of claim 1, as well as dependent claims 2-6 under 35 U.S.C. 102(b) should be withdrawn.

Further regarding claim 2, claim 2 recites features associated with the novel embodiment described, for example, on pgs. 55-62 in which the reproduction apparatus includes *inter alia* a status register storing a first flag group indicating, for each of the plurality of encoding methods, whether or not the reproduction apparatus has a capability to process the basic data, and a second flag group indicating, for each of the plurality of encoding methods, and whether or not the reproduction apparatus has a capability to process the extended data is detected by checking whether or not a value set in a flag, which belongs to the first flag group and corresponds to the target audio stream, is a predetermined value.

Weaver, on the other hand, as discussed above, does not describe a reproduction apparatus taking any actions with regards to audio streams. Rather, Weaver describes determining optimal output modes between connected devices. Moreover, although audio modes

are included among the output modes determined in Weaver, Weaver does not describe use of flag groups for indicating encoding capability of basic or extended data as called for in claim 2. Accordingly, the rejection of claim 2 under 35 U.S.C. 102(b) should be withdrawn.

Independent claims 7-8 also recite making a judgment on which among a plurality of predetermined conditions are satisfied by each of a plurality of audio streams, and selecting an audio stream to be reproduced among the plurality of audio streams, in accordance with each combination of predetermined conditions satisfied by each audio stream; and if an audio frame of a target audio stream is composed of basic data and extended data, the audio stream selecting step judges whether or not the predetermined condition is satisfied by detecting whether or not a channel attribute of the extended data is surround and the extended data is capable to be processed. Accordingly, the rejection of claims 7-8 should be withdrawn for at least the above-mentioned reasons with respect to claim 1.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver in view of U.S. Patent Publication no. 2005/0074127 to Herre. This rejection is also respectfully traversed.

Claim 5 recites novel features associated with the embodiment described on, for example, pgs. 52-54 in which the detection of whether or not the extended data is capable to be processed is accomplished by checking whether or not the reproduction apparatus is capable of transmitting either the extended data that has been compressed or non-compressed digital data that has been obtained by decoding the extended data, to a connected device.

As conceded in the office action, Weaver does not explicitly teach performing the detection by checking whether or not the reproduction apparatus is capable of transmitting either

the extended data that has been compressed or non-compressed digital data that has been obtained by decoding the extended data to a connected device as called for in claim 5.

Herre has been cited in order to cure the deficiency of Weaver. Here, the examiner correctly notes that Herre describes decoding an MP3 surround format audio signal. The office action contends that since Weaver is capable of receiving stereo from a streaming source, (1) it would have been obvious to make sure that the bitrate can be supported without transmission errors in the instance of streaming audio, and (2) and to combine the teachings of Weaver and Herre for providing surround streaming capabilities.

Assuming *arguendo* that one skilled in the art would have a reason to combine Weaver and Herre, such a combination still fails to teach or suggest checking whether the reproduction apparatus can decode the extended data in the audio signal. The presence of transmission errors has little or no relation to whether the apparatus in Weaver has the capability of decoding the extended data in an audio stream. That is, even if transmission errors were not present, if the apparatus does not have the capability of decoding the extended data, it would still not be able to transmit decoded extended data to a connected device as called for in claim 5.

Therefore, because the combination of Weaver and Herre fails to teach or suggest checking whether the reproduction apparatus can decode the extended data, it is respectfully requested that the rejection of claim 5 under 35 U.S.C 103(a) be withdrawn.

New claims 9-12 are presented for examination. Support for new claim 9 can be found, for example, on pg. 21, lines 19-24. Support for new claim 10 can be found, for example, on pg. 20, lines 26-29. Support for new claim 11 can be found, for example, on pg. 22, lines 18-28. Support for new claim 12 can be found, for example, on pgs. 20-22.

During the interview, the examiner mentioned that the packet headers in the data streams in Weaver could be interpreted as extended data. However, the packet headers do not disclose extended data as further recited in new claims 10-12. Accordingly, new claims 10-12 should be in condition for allowance.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Respectfully submitted,

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